

CITIES AND TOWNS BULLETIN

AND UNIFORM COMPLIANCE GUIDELINES

ISSUED BY STATE BOARD OF ACCOUNTS

June 1995

1995 LAWS AFFECTING CITIES AND TOWNS

The following is a digest of the laws deemed most pertinent which were enacted during the 1995 regular session of the Legislature that are related to cities, towns, and municipally owned utilities. Questions regarding legal interpretation should be directed to your city or town attorney.

PUBLIC LAW 2 - SENATE ENROLLED ACT 110 - EFFECTIVE VARIOUS DATES - TECHNICAL CORRECTIONS - Amends numerous sections of law.

PUBLIC LAW 3 - HOUSE ENROLLED ACT 1783 - EFFECTIVE VARIOUS DATES - ELECTIONS - Amends numerous sections dealing with campaign finance and other election matters.

PUBLIC LAW 8 - HOUSE ENROLLED ACT 1743 - EFFECTIVE VARIOUS DATES- ELECTIONS - Amends and adds to various election statutes - Establishes an Indiana Election Commission. Amends laws dealing with recounts.

PUBLIC LAW 10 - SENATE ENROLLED ACT 74 - EFFECTIVE JULY 1, 1995 - EARLY RETIREMENT - MEMBERS OF PERF - Amends IC 5-10-5.5-11 - A participant in PERF who is at least 55 years years of age and the sum of the participant's years of creditable service and age equals at least 85 may retire and become eligible for full benefits. Also provides full benefits to those members who are age 60 with 15 years of service.

PUBLIC LAW 12 - SENATE ENROLLED ACT 10 - EFFECTIVE VARIOUS DATES ELECTIONS - Amends and adds to various election laws. Sets new procedures for determining residency. Establishes procedures on voter registration and voting. Sets out regulations on registration of voters in the offices of the City Clerk, City Clerk-Treasurer, and Town Clerk-Treasurer.

PUBLIC LAW 15 - HOUSE ENROLLED ACT 1818 - EFFECTIVE JULY 1, 1995 - ELECTIONS - Amends IC 3-8-5-1, IC 3-10-6-1 - Provides that inmates may not be counted in determining the city or town's population for election purposes.

PUBLIC LAW 17 - SENATE ENROLLED ACT 384 - EFFECTIVE MAY 10 AND JULY 1, 1995

CUMULATIVE FUNDS - Amends various sections of law - Adds IC 6-1.1-41 - Sets procedures for establishing and imposing a tax levy for cumulative funds. Allows for continuance of cumulative fund levy without further action of the State Board of Tax Commissioners. Permits cities and towns to transfer any remaining money in a cumulative fund, once the purpose of the fund is established or the tax levy is rescinded, to the general fund.

TRANSFERS OF MONEY-TOWNS WITH POPULATIONS OF 500 OR LESS - Adds IC 36-5-4-13 - Allows smaller towns to transfer money from one town fund to another town fund after passage of an ordinance or resolution by the town council that specifies the amount of the transfer, the funds involved, the date of the transfer and the general purpose of the transfer.

PUBLIC LAW 18 - HOUSE ENROLLED ACT 1118 - EFFECTIVE VARIOUS DATES - POLITICAL

ACTIVITY OF COURT EMPLOYEES - Adds IC 33-1-17. States that a court employee may not be discouraged from engaging in political activity or denied the right to choose to refrain from engaging in political activity.

ATTORNEY STATUS REQUIREMENT FOR JUDGES - Amends IC 33-10.1-5-7 - Requires judges of the Anderson City Court, Brownsburg Town Court, Carmel City Court, East Chicago City Court, Gary City Court, Hammond City Court, Muncie City Court, Noblesville City Court and Plainfield Town Court to be attorneys in good standing under the requirements of the Supreme Court.

PUBLIC LAW 21 - SENATE ENROLLED ACT 587 - EFFECTIVE VARIOUS DATES - PUBLIC WORKS

LAW - Amends IC 36-1-12 - Changes the spelling of the term "work force" on projects performed by means of using the board's own labor to "workforce"

PUBLIC LAW 22 - SENATE ENROLLED ACT 300 - EFFECTIVE JULY 1, 1995 - CONFLICT OF

INTEREST - Amends IC 35-44-1-3 - Makes certain technical corrections to conflict of interest statute.

PUBLIC LAW 24 - SENATE ENROLLED ACT 594 - EFFECTIVE MAY 1 AND JULY 1, 1995 INDUSTRIAL

DEVELOPMENT - Amends IC 4-4, and IC 36-7-12-18 - Amends laws dealing with State's industrial development programs. Allows local units to reimburse from bond proceeds expenditures for pollution control facilities or economic development facilities.

INCORPORATION OF TOWNS - Amends IC 36-5 - Removes the requirement that the Department of Commerce make an investigation and recommendation to the county on a petition to incorporate a town.

PUBLIC LAW 25 - HOUSE ENROLLED ACT 1598 - EFFECTIVE VARIOUS DATES - BUILD INDIANA FUND - Amends IC 4-30-17 - Adds local road and street projects to the list of qualifying capital projects.

COMMON CONSTRUCTION WAGE - Amends IC 5-16-7-1 - Allows cities and towns to contract for projects under \$150,000 without paying the common construction wage.

RESOURCE RECOVERY - ECONOMIC REVITALIZATION DEDUCTIONS - Amends IC 6-1.1-12 and 12.1 - Changes rules and regulations on obtaining deductions.

CUMULATIVE FUNDS - MAXIMUM RATES - Amends IC 6-1.1-18.5-9.8 - Adds new formula for computing maximum property tax rates in a reassessment year.

LEVY APPEALS - Amends IC 6-1.1-18.5-13- Removes several reasons for excessive levies.

TAX INCREMENT FINANCE (TIF) - Amends IC 36-7-14 - Places 30 year expiration date on most TIF districts.

PUBLIC LAW 26 - SENATE ENROLLED ACT 604 - EFFECTIVE MAY 3, 1995 - REUSE OF FEDERAL MILITARY BASES - Adds IC 36-7-30 - Allows for the establishment of a Local Reuse Authority in those counties in which a military base is located. Sets out procedures for the authority to follow.

PUBLIC LAW 27 - SENATE ENROLLED ACT 66 - EFFECTIVE JULY 1, 1995 - REVOLVING LOAN FUNDS - EDIT TAX - Amends IC 5-1-14-14 and IC 6-3.5-7 - Allows cities and towns to use county economic development income tax revenue for revolving loans. Allows other local governments to borrow from such revolving fund.

MUNICIPAL SEWAGE WORKS - Amends IC 36-9-23-6 - Allows the board or any public utility (as defined in IC 8-1-6-3) contracting with the board for the treatment, purification, or disposal in a sanitary manner of liquid and solid waste, sewage, night soil, or industrial waste to contract with a water utility furnishing water service to users or property served in the municipality or by the public utility to do the following:

- (1) Ascertain the amount of water consumed.
- (2) Compute the amount of the charge to be billed for sewer services to each user or property served.
- (3) Bill and collect the amounts due for sewer services.
- (4) Discontinue water service to delinquent sewer users.

The contract is enforceable without the approval of the Indiana Utility Regulatory Commission. The procedures in IC 36-9-25-11.5(a) through IC 36-9-25-11.5(e) apply to the discontinuance of water service to a delinquent sewer user under a contract between the board and the water utility.

PUBLIC LAW 28 - SENATE ENROLLED ACT 236 - EFFECTIVE MARCH 28, 1995 - CLEAN COAL TECHNOLOGY - Adds IC 4-4-11-43 - Allows cities and towns to make appropriations to the clean coal technology program and projects and use county option and economic development income tax revenues for such purpose.

PUBLIC LAW 31 - HOUSE ENROLLED ACT 1512 - EFFECTIVE JULY 1, 1996 - UNCLAIMED PROPERTY ACT - Adds IC 32-9-1.5 - Adds new chapter on handling of unclaimed property effective July 1, 1996.

PUBLIC LAW 39 - HOUSE ENROLLED ACT 1070 - EFFECTIVE APRIL 27, 1995 STATE SURPLUS PROPERTY - Amends IC 4-20.5 - Requires State Department of Administration to notify cities and towns of property located in the cities and towns that is available for acquisition.

PUBLIC LAW 40 - HOUSE ENROLLED ACT 1071 - EFFECTIVE MAY 10 AND JULY 1, 1995 PUBLIC FINANCE STUDY COMMISSION - Adds IC 5-13-9-1 - Establishes commission to review and evaluate public investment statutes and practices.

TRANSPORTATION CORRIDOR PLANNING - Adds IC 8-4.5 - Establishes a transportation corridor planning board to review criteria and procedures related to abandoned railroad rights-of-way and the department of natural resources' trail system plan.

ABANDONED RAILROAD RIGHTS-OF-WAY - Adds IC 32-5-12 - Establishes procedures to determine ownership of abandoned railroad rights-of-way.

PUBLIC LAW 48 - SENATE ENROLLED ACT 115 - EFFECTIVE JULY 1, 1995 - INTERGOVERNMENTAL RELATIONS ADVISORY COMMISSION - Adds IC 4-23-24 - Creates commission made up of members of various local and State governments to study numerous topics including unfunded mandates.

PUBLIC LAW 49 - HOUSE ENROLLED ACT 1510 - EFFECTIVE JULY 1, 1995 - CRIME INSURANCE - Amends IC 4-24-6-9 and IC 5-4-1-18 - Allows the city or town fiscal body to authorize by ordinance the purchase of either a blanket bond or a crime insurance policy endorsed to include faithful performance to cover the faithful performance of officers and employees.

PUBLIC LAW 60 - HOUSE ENROLLED ACT 1227 - EFFECTIVE VARIOUS DATES - COURT COSTS - Raises court costs fee for infraction and ordinance violation cases to seventy dollars (\$70) effective July 1, 1997.

PUBLIC LAW 61 - SENATE ENROLLED ACT 631 - EFFECTIVE JULY 1, 1995 - SAFE SCHOOLS FEE -

Adds IC 33-19-6-16 - Requires city and town courts to assess a safe schools fee of not less than \$200 and not more than \$1,000 in each criminal action in which a person is convicted of an offense in which the possession or use of a firearm was an element of the offense. In determining the amount of the safe school fees to assess, the court shall consider the person's ability to pay the fee. The clerk of the city or town court shall collect the amount of the fee set by the court. Such fee shall be distributed semiannually to the Auditor of State along with the State's share of the court costs, state user fees, and highway work zone fees.

PUBLIC LAW 64 - SENATE ENROLLED ACT 441 - EFFECTIVE JANUARY 1, 1996 - PUBLIC NOTICE

ADVERTISING - Adds IC 5-3-1-0.4, 0.6 and 0.7 - Amends IC 5-3-1-1, 2 and 4 - Adds new requirements for newspapers and qualified publications which must be met in order to receive public notice advertisements. Allows newspapers and qualified publications to increase the basic charges for public notice advertisements by 5% per year until December 31, 2005.

States that notice of the passage of an ordinance shall be published one time within 30 days after passage of the ordinance.

Requires cities and towns to designate at their first meeting in January each year the newspapers and qualified publications which the city or town will use during the year.

If no newspaper is published in a city or town, then publication in a newspaper or newspapers published in the county and that circulates within the city or town is sufficient along with posting the notice at the city or town hall and at the post office of the city or town (or at a bank if no post office).

Eliminates the requirement to publish in four newspapers if a city or town's boundaries were in more than one county. Only two newspapers are required effective January 1, 1996.

A city or town may, in its discretion, publish public notices in a qualified publication to provide supplementary notification to the public. The cost of publishing supplementary information is a proper expenditure of the city or town.

**PUBLIC LAW 65 - HOUSE ENROLLED ACT 1088 - EFFECTIVE MAY 8, 1995 - DEFERRED
COMPENSATION PLANS AND PUBLIC EMPLOYEES RETIREMENT FUND - Amends IC 5-10-
1.1-1 and IC 5-10.2-2-1 - Makes minor corrections to language contained in Public Law 66.**

PUBLIC LAW 66 - SENATE ENROLLED ACT 222 - EFFECTIVE MAY 3, 1995 - DEFERRED COMPENSATION PLANS - Amends IC 5-10-1.1-1 - Allows an employer to contribute amounts before January 1, 1995, and continue or begin to contribute amounts after January 1, 1995, to a nonqualified deferred compensation plan on behalf of eligible employees subject to any limits and provisions under section 457 of the Internal Revenue Code.

PUBLIC EMPLOYEES RETIREMENT FUND - Amends IC 5-10.2-2-1 - Allows cities and towns that established a retirement plan other than PERF prior to January 1, 1995, to continue to provide such plan.

PUBLIC LAW 68 - HOUSE ENROLLED ACT 1569 - EFFECTIVE JULY 1, 1995 - PERF - Adds IC 5-10.2-5 - Changes method of computing benefits for persons currently retired.

PUBLIC LAW 69 - HOUSE ENROLLED ACT 1526 - EFFECTIVE JULY 1, 1995 - PERF - Amends IC 5-10.3-6-1.5 - States that the clerk-treasurer of a third class city or the clerk-treasurer of a town is that city's or town's authorized agent for all matters concerning the PERF fund.

PAYMENT OF CLAIMS - PRIOR TO BOARD ALLOWANCE - Amends IC 36-4-8-14 (Cities) and IC 36-5-4-12 (Towns) - Adds expenses that must be paid because of emergency circumstances and payments for products or services which were originally bid (Cities) and expenses described in an ordinance (Towns) to the list of items which could be paid by the fiscal officer before board allowance.

OFFICE SPACE - Adds IC 36-4-10-2.5 (Cities) and IC 36-5-6-5.1 (Towns) Requires that if office space exists in a building owned or leased by a city or town, the city executive and city legislative body or town legislative body shall provide office space for the staff and records of the clerk or clerk-treasurer.

ATTORNEY FOR CITY CLERKS AND CITY AND TOWN CLERK-TREASURERS - Adds IC 36-4-10-5.5 and IC 36-5-6-8 - Allows the clerk or clerk-treasurer to hire or contract with competent attorneys or legal research assistants on terms the clerk or clerk-treasurer considers appropriate. Appropriations for the salaries of attorneys and legal research assistants employed shall be approved in the annual budget.

PUBLIC LAW 70 - HOUSE ENROLLED ACT 1194 - EFFECTIVE JULY 1, 1995 AND JANUARY 1, 1996 - NOT-FOR-PROFIT CORPORATIONS - AUDITS - Amends IC 5-11-1-9. States that an examination of a not-for-profit corporation deriving less than 50% or at least 50% but less than \$60,000 of its disbursements during the period of time subject to an examination from appropriations, public funds, taxes, and other sources of public expense shall be limited to matters relevant to the use of public money received by the not-for-profit corporation.

EMERGENCY EQUIPMENT REVOLVING LOAN FUNDS - Adds IC 22-12-1-18.7, IC 22-12-1-23.3, IC 22-14-5 and I.C. 36-8-12 - Establishes a state firefighting and emergency equipment revolving loan fund for fire equipment loans.

(PUBLIC LAW 70 Continued)

VOLUNTEER FIRE COMPANIES - Defines volunteer firefighter to include persons providing other emergency services. Creates a formula for allocating insurance costs based upon population. Allows a volunteer company to maintain a civil action to recover unpaid run charges.

HAZARDOUS MATERIAL, FUEL, OR CHEMICAL SPILLS - Amends IC 36-8-12-13 - Allows a volunteer fire company to use any fees collected to pay interest and principal on a loan under IC 22-12-6.5.

PUBLIC LAW 71 - SENATE ENROLLED ACT 166 - EFFECTIVE JULY 1, 1995 - CLAIMS - Amends IC 5-11-10, IC 36-4-8-7 and IC 36-5-4-6 - Adds IC 5-11-10-1.6 - Exempts cities and towns from the requirement that claims be signed by the claimant.

The fiscal officer of a municipality may not draw a warrant or check for payment of a claim unless:

- (1) there is a fully itemized invoice or bill for the claim;
- (2) the invoice or bill is approved by the officer or person receiving the goods and services;
- (3) the invoice or bill is filed with the municipality's fiscal officer;
- (4) the fiscal officer audits and certifies before payment that the invoice or bill is true and correct; and
- (5) payment of the claim is allowed by the municipality's legislative body or the board having jurisdiction over allowance of payment of the claim.

The fiscal officer of a municipality shall issue checks or warrants for claims by the municipality that meet all of the requirements of IC 5-11-10-1.6. The fiscal officer does not incur personal liability for disbursements:

- (1) processed in accordance with IC 5-11-10-1.6 and;
- (2) for which funds are appropriated and available.

The certification required by IC 5-11-10-1.6(c)(4) must be on a form prescribed by the state board of accounts. Claim means a bill or an invoice submitted to a municipality for goods or services.

PUBLIC LAW 72 - SENATE ENROLLED ACT 245 - EFFECTIVE JULY 1, 1995 - INVESTMENT REPORT - Adds IC 5-13-7-7 - Requires the investment officer to annually submit a written report to the board of finance which summarizes the city's or town's investment activity during the previous calendar year. The report must contain the name of the financial institution, government agency or instrumentality, or other person with whom the city or town invested money during the previous calendar year.

BOARD OF FINANCE - Amends IC 5-13-7-6 - Requires a city or town board of finance to receive and review the written report of investment activity submitted by the city or town investment officer at their January meeting.

(PUBLIC LAW 72 Continued)

INVESTMENTS - Amends IC 5-13-9-2 - Adds IC 5-13-9-9 - Allows a city or town investment officer to invest in securities: (1) backed by the full faith and credit of the United States Treasury or fully guaranteed by the United States; and (2) issued by the United States Treasury, a federal agency or federal instrumentality. Investments may be made only in securities having a stated final maturity of two years or less from the date of purchase. Prohibits the purchase of securities on the margin or opening a securities margin account for the investment of public funds.

PUBLIC LAW 73 - SENATE ENROLLED ACT 593 - EFFECTIVE JUNE 1, 1995 - PUBLIC DEPOSITORY LAW - Amends IC 5-13-4-20, IC 36-1-12-1.2 and IC 36-1-14.3-4 - Exempts proceeds of bonds payable exclusively by a private entity from the definition of "public funds".

PUBLIC LAW 74 - HOUSE ENROLLED ACT 1052 - EFFECTIVE MAY 5, 1995 - BOARD OF FINANCE - Amends IC 5-13-7-6 - Clarifies language which designates city or town fiscal officer as secretary of board of finance.

REVOCATION OF DEPOSITORY CONTRACTS - Amends IC 5-13-8-1 and IC 5-13-8-7 - The local board of finance under which any depository operates may at any time revoke the commission of any depository at a meeting called for the purpose of revoking a commission, of which the depository shall have been notified by advance written notice sent by first class or registered mail not less than twenty (20) days before the meeting and at which the depository has the right to be heard. The local board of finance may revoke the commission of any depository:

(1) that is unwilling or unable to perform banking services reasonably required by the local board of finance, considering the volume of transactions, that are:

(A) related to the public funds deposited in a deposit account described in IC 5-13-4-7(1); and

(B) required by the political subdivision served by the local board of finance to carry out the responsibilities of the political subdivision, as determined by the local board of finance.

(2) that is unwilling or unable to comply with a state or federal statute, rule, or other regulation that governs the records or handling of public funds of the political subdivision served by the local board of finance, as determined by the local board of finance.

(3) that ceases to qualify as a depository as determined by the local board of finance; or

(4) for any cause that is adopted in the written rule of the local board of finance and that is directly related to the safe handling of public funds.

Upon revocation, the depository shall immediately render an accounting and make settlement for all public funds deposited with the depository.

(PUBLIC LAW 74 Continued)

DESIGNATION OF DEPOSITORIES - Amends IC 5-13-8-9 - Allows all political subdivisions with only one financial institution located within its area willing to accept public funds to treat such financial institution as if it were not located within the political subdivision's boundaries.

PUBLIC RECORDS - Amends IC 5-15-6-3 - Defines public records to include records that have been recorded, copied and reproduced by a photographic, photostatic, miniature photographic, or optical imaging process that correctly, accurately, and permanently copies, reproduces or forms a medium for copying or reproducing the original record of a film or other durable material. Original records may be disposed of only with the approval of the Public Records Commission according to guidelines established by the Public Records Commission. However, the guidelines established by the Public Records Commission must require that original records may not be destroyed until the audit of the records by the State Board of Accounts has been completed, report filed, and any exceptions set out in the report satisfied.

PUBLIC LAW 75 - SENATE ENROLLED ACT 67 - EFFECTIVE APRIL 26, 1995 - PUBLIC DEPOSITORY LAW - Amends IC 5-13-8-9 -Allows a city or town with only one financial institution located within its boundaries willing to accept public funds to treat that financial institution as it it were not located within that city or town and designate one or more financial institutions located outside of the city or town. (Similar language is contained in Public Law 74)

PUBLIC LAW 77 - HOUSE ENROLLED ACT 1331 - EFFECTIVE VARIOUS DATES - PUBLIC RECORDS - Amends IC 5-14-3 - States that providing persons with information is an essential function of government and an integral part of the routine duties of public officials and employees. Adds procedures on providing information on disc or tape and rules on storage of documents. Relieves public officials from liability for unintentionally disclosing confidential or erroneous information in response to a request.

PUBLIC LAW 78 - HOUSE ENROLLED ACT 1582 - EFFECTIVE JULY 1, 1995 - COPY FEES - Amends IC 5-14-3-8 - Requires the common council of a city or the town council to establish a fee schedule for certification, copying, or facsimile transmission of documents. The fee may not exceed the actual cost of certifying, copying or facsimile transmission of the document by the city or town and the fee must be uniform throughout the city or town to all purchasers.

PUBLIC LAW 79 - SENATE ENROLLED ACT 248 - EFFECTIVE JULY 1, 1995 - OPTICAL IMAGING - Amends IC 5-15-1-1 - Allows records to be recorded, copied, or reproduced by any optical imaging process that correctly and accurately copies, reproduces, recreates, or forms a medium of copying or reproducing the original record, document, plat, paper, or instrument-in-writing.

PUBLIC LAW 80 - HOUSE ENROLLED ACT 1592 - EFFECTIVE JULY 1, 1995 - EMPLOYMENT

APPLICATIONS - Adds IC 5-15-5.1-6.5 - Requires that all forms, questionnaires, and other printed or electronic documents that are used by a public agency to request information on racial or ethnic identification and that contain certain racial and ethnic classifications from which a respondent must select a classification must include among the choices the classification multiracial.

PUBLIC LAW 81 - HOUSE ENROLLED ACT 1435 - EFFECTIVE JULY 1, 1995 COMMON

CONSTRUCTION WAGE - Amends IC 5-16-7 - Changes the term "average construction wage" to "common construction wage". Redefines such wage to mean a scale of wages for each class of work (skilled, semiskilled, and unskilled labor) that is not less than the common construction wage of all construction wages being paid in a county where a project is located as determined by a committee of 5 persons. Such wage shall also apply to projects which include a lease with an option to purchase.

PUBLIC LAW 82 - HOUSE ENROLLED ACT 1398 - EFFECTIVE MAY 10 AND JULY 1, 1995 PUBLIC

PURCHASES/PUBLIC WORKS - Amends and adds to sections of IC 36-1-12 - Redefines operating agreement, person, public fund, specifications, contractor, subcontractor, escrowed income, escrowed principal, retainage and substantial completion. Raises public purchase and public works bid thresholds from \$25,000 to \$75,000 for first and second class cities and to \$50,000 for all cities and towns with a population of more than 5,000.

Requires at least three quotes to be obtained on all public purchases and all public works projects of at least \$25,000 and less than \$75,000 in all first and second class cities and on all public purchases and public works projects of at least \$25,000 and less than \$50,000 in third class cities and towns with a population of more than 5,000.

Allows cities and towns to perform any public work by means of its own workforce without taking bids whenever the cost of the public work is estimated to be less than \$100,000.

PAYMENT BONDS - Amends IC 36-1-12-13.1 - Raises the threshold for a payment bond for public works projects costing more than \$75,000 to projects costing more than \$100,000.

AIRPORT PROJECTS - Allows the governing board to delegate its authority to award a contract for a public works project that is estimated to cost less than \$50,000 to the airport personnel in charge of the airport public works project.

PUBLIC - PRIVATE AGREEMENTS - Adds IC 36-1-14.3 - Allows cities and towns to enter into agreements with an operator to construct, operate, and maintain a public facility and to transfer the public facility back to the city or town at an established future date.

PUBLIC LAW 84 - SENATE ENROLLED ACT 313 - EFFECTIVE VARIOUS DATES - ECONOMIC

REVITALIZATION AREAS (ERA's) - Amends and adds to IC 6-1.1-12 and IC 36-2-15-6 - Changes regulations on designating ERA's.

PUBLIC LAW 85 - HOUSE ENROLLED ACT 1782 - EFFECTIVE VARIOUS DATES - TAX LEVIES - REVISIONS - Amends IC 6-1.1-17-16 - Sets out procedures listed in Public Law 86.

SPECIAL FUEL TAXES - Amends and adds to IC 6-6-2.5 - Amends laws dealing with special fuel taxes.

TAX INCREMENT FINANCE (TIF) - Amends IC 36-7-14-39 and IC 36-7-15.1-26 Redefines "base assessed value" in an allocation area for declaratory resolutions adopted after June 30, 1995, and to areas expanded after June 30, 1995 but in existence prior to July 1, 1995.

PUBLIC LAW 86 - HOUSE ENROLLED ACT 1121 - EFFECTIVE VARIOUS DATES - TAX LEVIES - REVISIONS - Amends IC 6-1.1-17-16 - Requires the state board of tax commissioners to give political subdivisions written notification specifying any revision, reduction, or increase the state board of tax commissioners proposes in a political subdivision's tax levy or tax rate. The political subdivision has one (1) week from the date the political subdivision receives the notice to provide a written response to the state board of tax commissioners' Indianapolis office, specify how to make the required reductions in the amount budgeted for each office or department. The state board of tax commissioners shall make reductions as specified in the political subdivision's response if the response is provided and sufficiently specifies all necessary reductions.

PUBLIC LAW 87 - HOUSE ENROLLED ACT 1682 - EFFECTIVE JULY 1, 1995 TOWNSHIP FIRE TAX RATES - Amends IC 6-1.1-18.5-13- Permits a township to increase its levy in excess of the limitations established under IC 6-1.1-18.5-3, if the local government tax control board finds that the township needs the increase so that the property tax rate to pay the costs of furnishing fire protection for a township, or a portion of a township, enables the township to pay a fair and reasonable amount under a contract with the municipality that is furnishing the fire protection. However, for the first time an appeal is granted, the resulting rate increase may not exceed fifty percent (50%) of the difference between the rate imposed for fire protection within the municipality that is providing the fire protection to the township and the township's rate. A township is required to appeal a second time for an increase if the township wants to further increase its rate. However, a township's rate may be increased to equal but may not exceed the rate that is used by the municipality. More than one (1) township served by the same municipality may use this appeal.

PUBLIC LAW 88 - HOUSE ENROLLED ACT 1323 - EFFECTIVE JULY 1, 1995 - SPECIAL ASSESSMENTS - REAL ESTATE TAX SALE - Amends IC 6-1.1-25-4 - When a deed is issued to a county for property that did not sell in two consecutive tax sales, the taxes and special assessments for which the property was offered for sale and any subsequent taxes and special assessments shall be removed from the tax duplicate.

(PUBLIC LAW 88 Continued)

DELINQUENT SEWAGE LIENS - RECORDING AND CERTIFICATION - Amends IC 36-9-23-33 - Changes recording and certification dates. Those liens recorded and unpaid after September 1 of the preceding calendar year and before September 1 of the current calendar year shall be certified to the County Auditor before December 15 of each year. Liens certified before December 15 shall be included in the tax duplicate for collection with the next May installment of property taxes.

PUBLIC LAW 91 - HOUSE ENROLLED ACT 1405 - EFFECTIVE MAY 1, 1995 - GROSS RETAIL TAX - Amends IC 6-2.5-5-12 - Exempts transactions from gross retail tax if the property is classified as a collection plant, treatment plant, or pumping plant and the person acquiring the property is a waste water public utility.

PUBLIC LAW 92 - SENATE ENROLLED ACT 261 - EFFECTIVE JANUARY 1, 1996 - MEDICAL CARE SAVINGS ACCOUNTS - Adds IC 6-3-2-18 and IC 6-8-11 - Allows employers to establish medical care savings programs for employees.

PUBLIC LAW 93 - HOUSE ENROLLED ACT 1576 - EFFECTIVE JANUARY 1, 1996 - MEDICAL CARE SAVINGS ACCOUNTS - Adds IC 6-3-2-18, IC 12-15-12-12, IC 12-15-37, IC 12-15-38 and IC 27-8-5-2.5 - Adds regulations and procedures to laws established in Public Law 92.

PUBLIC LAW 96 - SENATE ENROLLED ACT 450 - EFFECTIVE MAY 5 AND JULY 1, 1995 SOLID WASTE DISTRICTS - Amends various sections - Allows a district board to contract with a county to collect district fees. Allows counties to withdraw from joint districts.

PUBLIC LAW 97 - HOUSE ENROLLED ACT 1485 - EFFECTIVE MARCH 28, 1995 - MIAMI COUNTY OPTION INCOME TAX - Adds IC 6-3.5-6-17.4 - Allows Miami County Income Tax Council to reduce their 6 month balance held by the State to a 3 month balance.

PUBLIC LAW 98 - SENATE ENROLLED 636 - EFFECTIVE JANUARY 1, 1996 - COUNTY OPTION INCOME TAX - MARION COUNTY - Amends IC 6-3.5-6-18.5 - Changes procedures for distribution of county option income tax to cities, towns and townships in Marion County.

PUBLIC LAW 102 - HOUSE ENROLLED ACT 1604 - EFFECTIVE MAY 1, 1995 LAKE COUNTY HOTEL-MOTEL TAX - Amends IC 6-9-2. Requires County Legislative Body to direct the County Treasurer to withhold distributions from entities failing to provide information on the use of the tax revenue.

PUBLIC LAW 103 - HOUSE ENROLLED ACT 1649 - EFFECTIVE JULY 1, 1995 - HENDRICKS COUNTY FOOD AND BEVERAGE TAX - Amends IC 6-9-27 - Allows the towns of Brownsburg and Plainfield to adopt the food and beverage tax laws under chapter 27.

PUBLIC LAW 115 - HOUSE ENROLLED ACT 1402 - EFFECTIVE APRIL 26, 1995 - AIRPORT DEVELOPMENT ZONES AND PROJECT LEASES - Amends IC 8-22-3.5, IC 8-22-3.6 and IC 36-1-7-15 - Allows Vigo County Airport Authority to be included in an airport development zone.

PUBLIC LAW 116 - HOUSE ENROLLED ACT 1048 - EFFECTIVE VARIOUS DATES - AIRPORT AUTHORITIES - MARION AND HENDRICKS COUNTIES - Amends and adds to IC 8-22. Changes board appointment laws.

PUBLIC LAW 119 - SENATE ENROLLED ACT 246 - EFFECTIVE JULY 1, 1995 - RAILROAD CROSSINGS - Amends IC 20-9.1-5-11 - Requires school buses to stop within 15 feet of a railroad crossing.

PUBLIC LAW 129 - HOUSE ENROLLED ACT 1132 - EFFECTIVE JULY 1, 1995 DISPOSAL PLANT AND TRASH HAULING VEHICLES - Amends IC 9-20-11-1 - Limits gross weight of vehicles hauling dead animals or trash to not more than 24,000 pounds upon a single axle or 42,000 pounds on a tandem axle.

PUBLIC LAW 164 - HOUSE ENROLLED ACT 1396 - EFFECTIVE JULY 1, 1995 - CLEAN AIR ACT VIOLATIONS - Amends various statutes dealing with air pollution.

POLICE AND FIRE RESIDENCY REQUIREMENTS - Amends IC 36-8-4-2 - Allows members of the police and fire departments in second and third class cities to reside more than 15 miles from the city.

PUBLIC LAW 165 - HOUSE ENROLLED ACT 1547 - EFFECTIVE JULY 1, 1995 - BURNING ORDINANCES - Amends IC 13-1-1.2-1 - Allows open burning of wood remnants of a building that was demolished and vegetation from a cemetery.

PUBLIC LAW 166 - SENATE ENROLLED ACT 418 - EFFECTIVE VARIOUS DATES ENVIRONMENT - IDEM - Adds to and amends IC 13-1-3 and IC 13-7. Adds regulations on handling of hazardous substances spills and hazardous substances site approvals.

PUBLIC LAW 172 - HOUSE ENROLLED ACT 1083 - EFFECTIVE MAY 10 AND JULY 1, 1995 ANNEXATION - ENVIRONMENT - SOLID WASTE - LANDFILLS - Amends IC 13-9.5, IC 36-2, IC 36-9-22 and IC 36-9-25 - Adds IC 36-3-2-7.5 and IC 36-4-3-11.5 - Requires solid waste districts to provide financial and accounting reports to IDEM. Contains rules on obtaining a waiver against a remonstrance under orders by IDEM or the EPA.

PUBLIC LAW 173 - HOUSE ENROLLED ACT 1384 - EFFECTIVE JULY 1, 1995 UNDERGROUND STORAGE TANK ORDINANCES - Adds IC 13-7-20-14.5 - Amends IC 13-7-20 - Requires IDEM to approve any local underground storage tank ordinance that requires permits, licenses, approvals, inspections or payments of fees.

PUBLIC LAW 174 - SENATE ENROLLED ACT 65 - EFFECTIVE JUNE 1 AND JULY 1, 1995 SOLID WASTE LANDFILLS - VEGETATIVE MATTER - Amends IC 13-7-29 - Allows the deposit of grass and woody or de minimis amount of vegetative matter that is less than 3 feet in length and is bagged, bundled, or otherwise contained in a solid waste landfill.

EMERGENCY WAIVER - VEGETATIVE MATTER - Adds IC 13-7-29-3 - Allows vegetative matter resulting from landscaping maintenance and land clearing projects to be deposited in a solid waste landfill under certain emergency situations.

DISTRICT PLAN - Amends IC 13-9.5-4-6 - Requires district plan to contain strategy to promote and educate the public regarding the benefits of disposing of vegetative matter by composting, mulching, and any other environmentally appropriate manner.

PUBLIC LAW 175 - SENATE ENROLLED ACT 358 - EFFECTIVE JULY 1, 1995- SOLID WASTE DISTRICTS - Amends IC 13-9.5 - Requires solid waste district boards to follow the provisions of IC 5-14-1.5-4 and IC 5-14-1.5-5 when conducting special meetings.

PUBLIC LAW 178 - SENATE ENROLLED ACT 571 - EFFECTIVE JULY 1, 1995 - LIABILITY - Amends IC 14-8 and IC 14-22 - Relieves cities and towns from liability for certain authorized uses of land by third parties.

PUBLIC LAW 192 - HOUSE ENROLLED ACT 1202 - EFFECTIVE JULY 1, 1995 - PURCHASES FROM PERSONS WITH SEVERE DISABILITIES - Amends IC 16-32-2 - Allows purchases from person with severe disabilities to be made under the same conditions as goods purchased from the Department of Corrections under IC 11-10-6-4.

PUBLIC LAW 208 - SENATE ENROLLED ACT 351 - EFFECTIVE MAY 10, 1995 - ENERGY SAVINGS PROJECTS - Amends IC 36-1-12.5 - Allows cities and towns to enter into agreements with public utilities to participate in an energy efficiency program.

PUBLIC LAW 213 - HOUSE ENROLLED ACT 1609 - EFFECTIVE MAY 1, 1995 - FAMILY LEAVE - POLICE AND FIRE PENSIONS - Amends IC 36-8 - Allows for members of the 1925, 1937, 1953 and 1977 plans to receive certain credits for time off while on family leave.

PUBLIC LAW 215 - SENATE ENROLLED ACT 233 - EFFECTIVE JULY 1, 1995 - EMPLOYEE OVERPAYMENTS - Adds IC 22-2-6-4 - Provides that if an employer has overpaid an employee, the employer may deduct from the employee the amount of the overpayment provided the employer gives the employee 2 weeks notice and the maximum deduction does not exceed the lesser of (1) 25% of the employee's disposable earnings for that week, or (2) the amount by which the employee's disposable earnings for that week exceed 30 times the federal minimum wage rate.

(PUBLIC LAW 215 Continued)

If a single wage overpayment is equal to 10 times the employee's gross wages earned due to an inadvertent misplacement of a decimal point, the entire overpayment may be deducted immediately.

PUBLIC LAW 216 - HOUSE ENROLLED ACT 1772 - EFFECTIVE JULY 1, 1995 - WORKERS' COMPENSATION - Amends IC 22-3 - Prohibits medical deductions from employees who have incurred charges under the workers compensation code.

PUBLIC LAW 217 - HOUSE ENROLLED ACT 1676 - EFFECTIVE JULY 1, 1995 - WORKERS' COMPENSATION - Amends IC 22-3-5 - Provides that continuous policies for worker's compensation insurance shall not expire until terminated by the insured and insurer in accordance with applicable State law and applicable policy provisions.

PUBLIC LAW 218 - SENATE ENROLLED ACT 85 - EFFECTIVE JULY 1, 1995 - EMPLOYMENT POLICIES - Amends IC 22-5-3-1 - An employee that discloses information about a current or former employee is immune from civil liability for the disclosure and the consequences proximately caused by the disclosure, unless it is proven by a preponderance of the evidence that the information disclosed was known to be false at the time the disclosure was made.

Upon written request by the prospective employee, the prospective employer will provide copies of any written communications from current or former employers that may affect the employee's possibility of employment with the prospective employer. The request must be received by the prospective employer not later than thirty (30) days after the application for employment is made to the prospective employer.

PUBLIC LAW 222 - SENATE ENROLLED ACT 427 - EFFECTIVE JULY 1, 1995 - OCCUPATIONAL SAFETY - Adds IC 22-8-1.1-24.5 - Adds requirement that the inspector for the occupational safety standards commission provide the employer with a written report of any inspection made.

PUBLIC LAW 224 - SENATE ENROLLED ACT 83 - EFFECTIVE JULY 1, 1995 - OCCUPATIONAL SAFETY - Adds IC 22-8-1.1-27.2 - States that an employer may establish an affirmative defense for a violation of any standard, rule, or order that is the result of employee misconduct.

The employer has the burden of proving the affirmative defense is in compliance with federal and state law.

If an employer successfully establishes an affirmative defense, the commissioner may not assess any penalty or fine against the employer for the violation.

PUBLIC LAW 256 - SENATE ENROLLED ACT 370 - EFFECTIVE JULY 1, 1995 - HOUSEHOLD HAZARDOUS WASTE - Amends IC 27-1-29.1 - Permits expenditures from the political subdivision risk management fund and catastrophic liability fund for certain acts or omissions on the part of political subdivisions who are members of the funds.

PUBLIC LAW 266 - HOUSE ENROLLED ACT 1622 - EFFECTIVE JULY 1, 1995 - COMMUNITY FOUNDATION OR TRUST - Adds IC 30-2-12-1.5 - Defines community foundation or trust to mean an organization including a trust, nonprofit corporation, an unincorporated association, or any combination of a trust, a nonprofit corporation and an unincorporated association that is singly or in combination treated as a community trust under Section 170 of the Internal Revenue Code.

INSTITUTIONS - Amends IC 30-2-20-5 and 6 - Adds community foundation or trust to the list of defined institutions and also includes funds it holds within the meaning of the term institutional fund.

PUBLIC LAW 279 - SENATE ENROLLED ACT 619 - EFFECTIVE VARIOUS DATES - COURT COSTS FEES - Amends IC 33-19-5 (Effective June 1, 1995) - Raises court costs fee for criminal actions from \$110 to \$120, raises court costs fees for infraction and ordinance cases from \$51 to \$60, raises court costs fee for civil actions from \$55 to \$100.

DISTRIBUTION PERCENTAGES - Amends IC 33-19-7-4 (Effective June 1, 1995) - Changes the percentages of court costs distributed to the State, County, and City or Town to 50% - State, 25% - County and 25% - City or Town.

DEFERRED PROSECUTION FEE - Adds IC 33-19-6-16.2 (Effective June 1, 1995) - States that in each action in which the court defers prosecution under IC 9-30-9-3 or IC 12-23-5, the clerk of the city or town court shall collect from the defendant a fee of \$25 for court costs. Such fee shall be distributed in the same 50%/25%/25% ratio as set out in IC 33-19-7-4.

CRIMINAL COURT COSTS - PARTIAL PAYMENTS - Amends IC 33-19-5-1 (Effective June 1, 1995) - Lists application procedures to be applied if a court accepts partial payments of criminal costs fees.

PUBLIC LAW 280 - HOUSE ENROLLED ACT 1570 - EFFECTIVE VARIOUS DATES - SMALL CLAIMS COURT COSTS FEE - (Effective July 1, 1997) - Raises small claims court costs fees from \$30 to \$35 (except in Lake County)

JUDGE PRO TEMPORE PER DIEM - Amends IC 34-1-13-4 - EFFECTIVE JULY 1, 1997 - Raises the per diem of a judge pro tempore from \$10 to \$20 for a pro tempore who resides in the same county and from \$20 to \$40 for a pro tempore residing outside the county.

PUBLIC LAW 284 - HOUSE ENROLLED ACT 1416 - EFFECTIVE JULY 1, 1995 - JUDGEMENTS AGAINST GOVERNMENTAL EMPLOYEES - Amends IC 34-4-16.5-5 - A lawsuit alleging that an employee acted within the scope of the employee's employment must be exclusive to the complaint and bars an action by the claimant against the employee personally. However, if the governmental entity answers that the employee acted outside the scope of the employee's employment, then the plaintiff may amend the complaint and sue the employee personally.

A lawsuit filed against an employee personally must allege that an act or omission of the employee that causes a loss is:

- (1) criminal;
- (2) clearly outside the scope of the employee's employment;
- (3) malicious;
- (4) willful and wanton; or
- (5) calculated to benefit the employee personally.

The complaint must contain a reasonable factual basis supporting the allegations.

PUBLIC LAW 285 - SENATE ENROLLED ACT 90 - EFFECTIVE JULY 1, 1995 - GRATUITOUS EMERGENCY CARE - Adds IC 34-4-12-1.5 - Grants immunity from civil liability to persons who gratuitously render emergency care at the scene of an emergency except under situations of gross negligence and willful or wanton misconduct.

PUBLIC LAW 286 - SENATE ENROLLED ACT 76 - EFFECTIVE JULY 1, 1995 FREE HEALTH CARE SERVICE - Adds IC 36-1-14.2 - Allows cities and towns to support medical facilities providing free health care services.

PUBLIC LAW 288 - SENATE ENROLLED ACT 13 - EFFECTIVE JULY 1, 1995 - TORT CLAIMS - Amends IC 34-4-16.5 - Defines an attorney working as independent contractor to be an employee or public employee.

PUBLIC LAW 298 - SENATE ENROLLED ACT 506 - EFFECTIVE JULY 1, 1995 BATTERY TO LAW ENFORCEMENT OFFICERS - Amends IC 35-42-2-6 - Makes it a class D Felony to place blood on a police officer.

PUBLIC LAW 308 - SENATE ENROLLED 372 - EFFECTIVE JULY 1, 1995 - PARKING ORDINANCES - Amends IC 36-1-6-9 - Adds parking violations to the list of ordinance violations which may be pursued through an administrative proceeding.

PUBLIC LAW 309 - SENATE ENROLLED ACT 70 - EFFECTIVE JULY 1, 1995 - PUBLIC PURCHASES - Amends IC 36-1-9 - Adds IC 36-1-9-16 and IC 36-1-9-17 - Allows for bids to be accepted by a city or town electronically on a fax machine or system with a security feature that protects the content of an electronic bid to the same extent the content of bid that is not faxed is protected. The bid notice must indicate the procedures for transmitting the electronic bid.

(PUBLIC LAW 309 Continued)

Permits other evidences of financial responsibility other than a bond or certified check to be accepted on bids exceeding \$100,000.

Allows cities and towns to make special procurements under seven different circumstances.

Allows a city or town to specify in a contract that early performance of the contract will result in increased compensation at either:

- (1) a percentage of the contract amount; or
- (2) a specific dollar amount; determined by the city or town.

A city or town may specify in a contract that completion of the contract after the termination date of the contract will result in a deduction from the compensation in the contract at either:

- (1) a percentage of the contract amount; or
- (2) a specific dollar amount; determined by the city or town.

Notice of inclusion of contract provisions in a contract must be included in the solicitation.

PUBLIC LAW 310 - HOUSE ENROLLED ACT 1463 - EFFECTIVE JULY 1, 1995 - DISPOSAL OF HISTORICAL PROPERTY - Amends IC 36-1-11-1 - Exempts certain historical property from the disposal of property laws.

PUBLIC LAW 311 - HOUSE ENROLLED ACT 1108 - EFFECTIVE JANUARY 1, 1996 - DISPOSAL OF LAW ENFORCEMENT VEHICLES - Amends IC 36-1-11-6 - States that if a disposing agent of a law enforcement vehicle that is a model of 1994 or later and is painted in a color scheme of more than one (1) color by transferring the vehicle to:

- (1) a person who will operate the vehicle on a public highway in Indiana, the person must repaint the vehicle in:
 - (A) a monochrome color scheme; or
 - (B) a color scheme that does not duplicate the color scheme of an Indiana law enforcement vehicle; before the vehicle is operated on a public highway in Indiana;
- (2) a person who will sell or otherwise transfer the vehicle to another person who will operate the vehicle on a public highway in Indiana, the person must repaint the vehicle;
- (3) a person who will sell or otherwise transfer the vehicle to another person who will not operate the vehicle on a public highway in Indiana, the person is not required to repaint the vehicle before the vehicle is sold or otherwise transferred to the other person: or
- (4) a political subdivision or other governmental entity, the political subdivision or other governmental entity is not required to repaint the vehicle before the vehicle is operated on a public highway in Indiana.

Before a disposing agent disposes of a law enforcement vehicle that is painted in a color scheme of more than one (1) color, the disposing agent must provide a copy of this section of law to the prospective purchaser of the vehicle. A person who violates this subsection commits a Class C infraction.

PUBLIC LAW 312 - SENATE ENROLLED ACT 4 - EFFECTIVE JULY 1, 1995 - PUBLIC WORKS - Amends IC 36-1-12-7 - Changes the threshold for public buildings projects being required to be built in accordance with plans and specifications approved by an architect or licensed engineer from \$50,000 to \$100,000.

PUBLIC LAW 313 - HOUSE ENROLLED ACT 1073 - EFFECTIVE APRIL 25, 1995 - DONATIONS - Adds IC 36-1-14 - Allows cities and towns to donate the proceeds from the sale of utility or facility or from a grant, a gift, a donation, an endorsement, a bequest or a trust to a qualifying charitable foundation. Such donation shall be held as a permanent endowment and any income from the foundation must be used for purposes of the city or town.

PUBLIC LAW 315 - HOUSE ENROLLED ACT 1144 - EFFECTIVE JULY 1, 1995 - COMMON COUNCIL - Amends IC 36-4-4-2 - Allows city employees to be candidates for elective office and serve in that office if elected or be appointed to an office and serve in that office if appointed without having to resign.

PUBLIC LAW 317 - HOUSE ENROLLED ACT 1555 - EFFECTIVE JULY 1, 1995 - BOARD OF WORKS AND SAFETY - SECOND CLASS CITIES - Amends IC 36-4-9-6 - Allows board to be composed of 3 or 5 members. If the board of public works and board of public safety are separate boards, each may be composed of 3 or 5 members.

PUBLIC LAW 320 - SENATE ENROLLED ACT 531 - EFFECTIVE JANUARY 1, 1996 - PLANNING AND ZONING - Amends IC 36-7 - Allows for a city or town legislative body to establish zoning districts.

PUBLIC LAW 322 - SENATE ENROLLED ACT 79 - EFFECTIVE JANUARY 1, 1996 - PLAN COMMISSIONS - HAMILTON COUNTY - Adds IC 36-7-4-1210.5 - Sets out composition of a nine member board in the Town of Westfield.

PUBLIC LAW 323 - HOUSE ENROLLED ACT 1257 - EFFECTIVE JANUARY 1, 1996 - TAX INCREMENT FINANCE (TIF) - Amends IC 36-7-14-39.5 - Allows City of Fort Wayne to be included in allocation area additional credit rules.

PUBLIC LAW 324 - HOUSE ENROLLED ACT 1391 - EFFECTIVE JULY 1, 1995 - HOUSING AUTHORITIES - Amends IC 36-7-18-27 - Allows a tenant to be appointed to a housing authority board.

PUBLIC LAW 325 - SENATE ENROLLED ACT 275 - EFFECTIVE JULY 1, 1995 - 1953 POLICE PENSION FUND - Amends IC 36-8-7.5 - Allows the member's surviving spouse, if the member died in line of duty, who remarried before September 1, 1983, to receive benefits.

PUBLIC LAW 326 - SENATE ENROLLED ACT 542 - EFFECTIVE JULY 1, 1995 - FIRE PROTECTION TERRITORIES - Amends IC 36-8-19 - Adds IC 36-8-19-8.5 Allows for the establishment of fire protection territories in all areas of the State.

PUBLIC LAW 328 - HOUSE ENROLLED ACT 1490 - EFFECTIVE APRIL 26, 1995 - PARK BOARDS - Amends IC 36-10-3 - Allows park boards to lease buildings and grounds used as golf courses without soliciting bids. Validates a prior golf course lease in City of New Albany.

PUBLIC LAW 339 - HOUSE ENROLLED ACT 1712 - EFFECTIVE MAY 1, 1995 - ENTERPRISE ZONES- NON CODE - Allows resubmission of verified summaries and fees by an enterprise zone business in certain circumstances.

PUBLIC LAW 340 - HOUSE ENROLLED ACT 1646 - EFFECTIVE VARIOUS DATES STATE BUDGET - Appropriates money for many local grant programs. Increases local road and street fund distributions to cities and towns. Restores timely payments to counties of the Property Tax Replacement Credit in 1996.

PUBLIC LAW 341 - SENATE ENROLLED JOINT RESOLUTION NO. 1 ELECTIONS - PROPOSED AMENDMENT TO CONSTITUTION - Allows for former residents to vote in former precincts.

ELECTRONIC FUNDS TRANSFER OF STATE DISTRIBUTIONS

For units wishing to receive electronic transfers of state distributions, the following procedures should be followed.

1. Check with your depositories to see if the depositories are willing to receive the transfers on your behalf. They must also insure they will notify you immediately on receipt of a transfer. (Any delay in notification prevents investing the distributions or otherwise taking advantage of the earlier receipt date.)
2. The fiscal body must elect to receive state distributions by electronic transfer. This requires the common council or town council to pass a resolution, ordinance, or approve an authorization motion. The municipal fiscal officer should then notify the Treasurer of State of the unit's election to participate in the program.
3. After notifying the Treasurer of State of your intent, you will be furnished, and requested to complete, General Form No. 368, Authorization Agreement for Automatic Deposit of State of Indiana distributions to Political Subdivisions by EFT.
4. It is necessary to complete an Agreement for each type of distribution. A distribution cannot be split between two bank accounts. More than one type of distribution can be deposited into a single bank account.

ELECTRONIC FUNDS TRANSFERS OF STATE DISTRIBUTIONS

-Continued-

5. After selection of a bank and bank account to receive your deposits, do not change banks, or accounts, without prior approval from the Treasurer of State. Approvals are expected to be granted once each year. The following city and town distributions are identified in the ACH transmittal by the following codes.

<u>Title</u>	<u>ACH Code</u>
Motor Vehicle Highway	MV
Local Road and Street	RS
ABC Excise Tax	A1
ABC Gallonage	A2
Cigarette Tax - General Fund	CG
Cigarette Tax - CCEF	CC
Accelerated MVH I	M1
Accelerated MVH II	M2

If you have any questions regarding the foregoing, please call Treasurer of State's Office (317) 232-6386.

REVISED FORMS

The following forms have been revised due to new legislation. Copies of Forms 1, 2, and 3 are included on the pages that follow. Similar language changes have been made to the utility accounts payable vouchers.

1. Budget Form No. 3 - Notice to Taxpayers of Budget Estimates and Tax Levies
2. City Accounts Payable Voucher - City Form No. 201
3. Town Accounts Payable Voucher - Town Form No. 39
4. Municipal Water Utility Accounts Payable Voucher - Utility Form No. 301
5. Municipal Sewage Utility Accounts Payable Voucher - Utility Form No. 301-S
6. Municipal Electric Utility Accounts Payable Voucher - Utility Form No. 305
7. Municipal Gas Utility Accounts Payable Voucher - Utility Form No. 325

Printing instructions have been sent to public printers on the forms and cities and towns may use up any supplies of the old claim forms on hand before purchasing the revised forms.

VOLUNTEER FIRE COMPANIES SERVING MORE THAN
ONE UNIT - PRORATION OF INSURANCE

If a volunteer fire company serves more than one (1) unit under a contract or agreement, each unit that the company serves shall pay the amount for the insurance coverage determined under the following formula:

STEP ONE: For each census block or other area in a unit that is served by more than one (1) volunteer fire company, divide the population of the area by the number of volunteer fire companies serving the area, and round the quotient to the nearest one thousandth (.001).

STEP TWO: Add the quotients determined under STEP ONE for the unit.

STEP THREE: Determine the sum of the STEP TWO amounts for all of the units served by the same volunteer fire company.

STEP FOUR: Divide the STEP TWO amount for a unit by the STEP THREE amount and round the quotient to the nearest one thousandth (.001).

STEP FIVE: Multiply the costs of the insurance coverage for the volunteer fire company by the quotient determined under STEP FOUR, rounded to the nearest dollar. (IC 36-8-12-6)

NOTICE TO TAXPAYERS OF BUDGET ESTIMATES AND TAX LEVIES

Notice is hereby given the taxpayers of County, City, or Town of _____, Indiana, that the County Council, Common Council or Town Council of _____, Indiana, at _____ on _____, 19____, at _____ a.m./p.m. will conduct a public hearing on the budget. Following this meeting, the aforementioned Council will meet at _____, 19____, at _____ a.m./p.m. to adopt the following budget.

BUDGET ESTIMATE

Complete detail of the budget estimates by fund and/or department may be seen at the County Auditor, City Controller, Clerk-Treasurer's Office. The proposed use of Federal Revenue Sharing Funds will be considered at the proposed budget hearing. The general public is encouraged to attend and participate at this hearing discussing proposed uses of Federal Revenue Sharing Funds.

NET ASSESSED VALUATION _____

FUND	BUDGET ESTIMATE	ESTIMATE OF FUNDS TO BE RAISED	CURRENT TAX LEVY	PERCENTAGE CHANGE IN TAX LEVY	PROPERTY TAX REPLACEMENT GRANT	FUND	BUDGET ESTIMATE	ESTIMATE OF FUNDS TO BE RAISED	CURRENT TAX LEVY	PERCENTAGE CHANGE IN TAX LEVY	PROPERTY TAX REPLACEMENT GRANT
_____ FUND \$	_____	\$ _____	\$ _____	_____	\$ _____	_____ FUND \$	_____	\$ _____	\$ _____	_____	\$ _____
_____ FUND	_____	_____	_____	_____	_____	_____ FUND	_____	_____	_____	_____	_____
_____ FUND	_____	_____	_____	_____	_____	_____ FUND	_____	_____	_____	_____	_____
_____ FUND	_____	_____	_____	_____	_____	_____ FUND	_____	_____	_____	_____	_____
_____ FUND	_____	_____	_____	_____	_____	_____ FUND	_____	_____	_____	_____	_____
_____ FUND	_____	_____	_____	_____	_____	Totals - County, City Town Local Funds	_____	_____	_____	_____	_____
_____ FUND	_____	_____	_____	_____	_____	Federal Revenue Sharing Trust Fund	_____	_____	_____	_____	_____
_____ FUND	_____	_____	_____	_____	_____	TOTALS	_____	\$ _____	\$ _____	\$ _____	\$ _____

Taxpayers appearing shall have a right to be heard thereon. After the tax rates have been determined and presented to the county auditor not later than two days prior to the second Monday in September, and the rate fixed by the county tax adjustment board, or on their failure so to do, by the county auditor, ten or more taxpayers feeling themselves aggrieved by such rates, may appeal to the state board of tax commissioners for further and final hearing thereon by filing a petition with the county auditor on or before the tenth day after publication of the county auditor of tax rates charged, and the state board of tax commissioners will fix a date for hearing in this county.

_____, 19____

(County Auditor, City Controller, Clerk-Treasurer)

ACCOUNTS PAYABLE VOUCHER

CITY OF _____, INDIANA

An invoice or bill to be properly itemized must show: kind of service, where performed, dates service rendered, by whom, rates per day, number of hours, rate per hour, number of units, price per unit, etc.

Payee	Purchase Order No.
	Terms
	Date Due

[illegible]

I hereby certify that the attached invoice(s), or bill(s), is (are) true and correct and that the materials or services itemized thereon for which charge is made were ordered and received except _____

_____, 19____

Signature

Title

I hereby certify that the attached invoice(s), or bill(s), is (are) true and correct and I have audited same in accordance with IC 5-11-10-1.6.

_____, 19____

Clerk-Treasurer

ACCOUNTS PAYABLE VOUCHER

TOWN OF _____, INDIANA

An invoice or bill to be properly itemized must show: kind of service, where performed, dates service rendered, by whom, rates per day, number of hours, rate per hour, number of units, price per unit, etc.

Payee _____ _____ _____	Purchase Order No. _____ Terms _____ Date Due _____
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Invoice Date	Invoice Number	Description (or note attached invoice(s) or bill(s))	Amount

SAMPLE

I hereby certify that the attached invoice(s), or bill(s), is (are) true and correct and that the materials or services itemized thereon for which charge is made were ordered and received except _____

_____, 19____

Signature

Title

I hereby certify that the attached invoice(s), or bill(s), is (are) true and correct and I have audited same in accordance with IC 5-11-10-1.6.

_____, 19____

Clerk-Treasurer

